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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,324	12/31/2001	Mark Rindsberg	7042-10	1489

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EXAMINER

LE, DANH C

ART UNIT	PAPER NUMBER
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2683

DATE MAILED: 08/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/039,324

Applicant(s)

RINDSBERG ET AL.

Examiner

DANH C. LE

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☒ Claim(s) 9-17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

1. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Foladare (US 5,819,160) in view of Heikkila (US 6,700,926).

As to claim 1, Foladare teaches a method of content blocking in a digital audio radio on at least a portion of channel (figure 1 and col.5, line 39-col.6, line 6), comprising the steps of:

selectively choosing to skip undesired content on at least a portion of a channel;
communicating an indicia of the undesired content to a central station; and

receiving a signal over-the-air from the central station that disables the undesired content in the digital audio radio.

Foladare fails to teach plurality of channel and receiving a digitally encoded bit stream over the air on the plurality of channels. Heikkila teaches plurality of channel (figure 1, 19A, 19B and col.1, lines 43-52) and receiving a digitally encoded bit stream over the air on the plurality of channels (figure 1, col.7, lines 13-30). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Heikkila into the system of Foladare in order to detect the data bit output signal which correspond the bit from the transmitting source as suggested by Heikkila (col.3, lines 59-67)

As to claim 2, the combination of Foladare and Heikkila teaches the method of claim 1, wherein the method further comprises the step of blocking the output of the content by disabling the portion of the channel (Foladare, col.5, line 39-col.6, line 6).

As to claim 3, the combination of Foladare and Heikkila teaches the method of claim 1, wherein the method further comprises the step of blocking the output of the content by disabling at least the channel completely (Foladare, col.5, line 39-col.6, line 6).

As to claim 4, the combination of Foladare and Heikkila the method of claim 1, wherein the steps of selectively choosing and communicating the indicia of the undesired content to the central station is achieved via a computer network (Foladare, col.3, line 59-col.4, line 19).

As to claim 5, the combination of Foladare and Heikkila teaches the method of claim 4, wherein the step of selectively choosing and communicating the indicia comprises selecting a profile for a particular user on a website coupled to the central station (Foladare, col.3, line 59-col.4, line 19).

As to claim 6, the combination of Foladare and Heikkila teaches the method of claim 1, wherein the step of selectively choosing is achieved via a user interface in the digital audio radio and the step of communicating the undesired content to the central station is achieved via a reverse channel to the central station (Foladare, figure 1, 14).

As to claim 7, the combination of Foladare and Heikkila teaches the method of claim 4, wherein the indicia communicated to the central station is selected from the group comprising a location, a song title, an artist's name, a band name, a channel number, an album, a rating, a tier level, or an identification number associated with the digital audio radio (Foladare, col.5, line 39-col.6, line 6).

2. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Foladare and Heikkila in view of Novak (US 4,750,213).

As to claim 8, the combination of Foladare and Heikkila teaches the method of claim 2, wherein the step of selectively choosing comprises the step of storing a code representative of the undesired content in a memory of the main control unit. The combination of Foladare and Heikkila fails to teach the step of storing a code representative of the undesired content in a memory of digital audio radio and wherein the step of blocking comprises the step of comparing the code with a second code embedded in the signal from the central station. Novak teaches the step of storing a

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code representative of the undesired content in a memory of digital audio radio and wherein the step of blocking comprises the step of comparing the code with a second code embedded in the signal from the central station (col. 7, line 51-col.8, line 11).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Novak into the system of Foladare and Heikkila in order to disable program material from the broadcast signal.

Response to Arguments

Applicant's arguments with respect to claims 1-17 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

Claim 9-17 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims (claim 9 is in previous Office Action).

As to claim 10, the teaching of prior arts either alone or in combine fails to teach decoding a selected channel among the plurality of channels, selectively tagging an undesired type of content on the selected channel, analyzing a broadcast information channel and/or Electronic program guide for an indication of content of the undesired type among the plurality of channels and selectively disabling at least the portion of the selected channel containing the undesired type of content.

Dependent claims 11-17 are allowable for the same reason.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A. Paneth et al (US 6,393,002) teaches subscriber RF telephone system for provide multiple speech and or data signals simultaneously over either a single or a plurality of RF channels.

B. Tong et al (US 6,865,373) teaches apparatus and method for encoding decoding data within wireless networks.

C. Kim et al (US 6868,112) teaches apparatus and method for detect signal of space-time coding base on transmission diversity.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANH C. LE whose telephone number is 571-272-7868. The examiner can normally be reached on 8:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WILLIAM TROST can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-272-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



August 19, 2005
DANH CONG LE
PATENT EXAMINER